

महात्मा गांधी यांच्या १५० व्या जयंतीनिमित्त
बंद्यांना विशेष माफी देणेच्या अनुषंगाने
राज्यस्तरीय समिती गठीत करणेबाबत.

**महाराष्ट्र शासन
गृह विभाग**

शासन निर्णय क्रमांक: एमआयएस १३१८/प्र.क्र.१३५२/१८/तुरुंग-३

मुख्य इमारत, दुसरा मजला, मादाम कामा मार्ग,

मंत्रालय, मुंबई ४०० ०३२

तारीख: १४ ऑगस्ट, २०१८

वाचा :-

१) मा. सचिव (गृह मंत्रालय), भारत सरकार, नवी मुंबई यांचे अ.शा. पत्र क्र. व्ही-१७०१३/१७/
२०१८- पीआर, दि. २८ जुलै, २०१८

प्रस्तावना :-

केंद्र शासनमार्फत महात्मा गांधींची १५० व्या जयंती दिनांक २ ऑक्टोबर, २०१८ ते दिनांक २ ऑक्टोबर, २०१९ या कालावधीत साजरा करण्याचा निर्णय घेण्यात आला आहे. त्यानुषंगाने केंद्र शासनाने कारागृहातील बंद्यांना विशेष माफी देण्याचा निर्णय घेतला असून त्यानुसार विशिष्ट वर्गात येणा-या बंद्यांना विशेष माफी देण्यात येणार आहे. केंद्र शासनाने यासंदर्भात दिलेल्या मार्गदर्शक सूचना तसेच विहीत केलेल्या वेळापत्रकानुसार दिनांक २ ऑक्टोबर, २०१८, दिनांक ६ एप्रिल, २०१९ व दिनांक २ ऑक्टोबर, २०१८ अशा तीन टप्प्यांत या बंद्यांना कारागृहातून मुक्त करण्यात येणार आहे. त्यासाठी सदर बंद्यांचा प्रस्ताव राज्यस्तरीय समितीपुढे सादर करण्यात येणार असून त्यानुषंगाने राज्यस्तरीय समिती गठीत करण्याचे प्रस्तावित होते.

शासन निर्णय:-

केंद्र शासनाने महात्मा गांधींची १५० वी जयंती दिनांक २ ऑक्टोबर, २०१८ ते दिनांक २ ऑक्टोबर, २०१९ पर्यंत साजरा करण्याचा निर्णय घेतला असून त्यांच्या मानवतावादी दृष्टीकोनातून बंद्यांची कारागृहातील वागणुक विचारात घेता विशिष्ट वर्गात येणा-या बंद्यांना विशेष माफी देण्याचा निर्णय घेतला आहे. त्यानुषंगाने केंद्र शासनाने दिलेल्या मार्गदर्शक सूचनांच्या अनुषंगाने बंद्यांचा प्रस्ताव राज्यस्तरीय समितीकडे सादर करण्यात येणार असून त्यासाठी खालीलप्रमाणे राज्यस्तरीय समिती गठीत करण्यास शासन मान्यता देत आहे-

क्र.	नाव	पदनाम
१	अतिरिक्त मुख्य सचिव (अपील व सुरक्षा), गृह विभाग	अध्यक्ष
२	प्रधान सचिव (विधि व न्याय विभाग)	सदस्य
३	पोलिस महासंचालक (कारागृह)	सदस्य
४	अपर पोलिस महासंचालक (कारागृह)	सदस्य सचिव

सदर समितीची कार्यकक्षा खालीलप्रमाणे राहिल-

समिती सोबतच्या परिशिष्ट- १ मधील विनिर्दिष्ट अटींच्या आधारे सर्व प्रस्तावांचा विचार करून त्यांची छाननी करील आणि सोबतच्या परिशिष्ट- २ मध्ये दर्शविलेल्या वेळापत्रकानुसार आपल्या शिफारशीसह राज्य शासनास सादर करील.

सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०१८०८१४१५१०५५८९२९ असा आहे. हा आदेश डिजिटल स्वाक्षरीने साक्षांकित करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

(ना. श्री. कराड)

उप सचिव, गृह विभाग

प्रत,

१. मा. मुख्यमंत्री यांचे प्रधान सचिव
२. मा. राज्यमंत्री (गृह- शहरे) यांचे खाजगी सचिव
३. अपर मुख्य सचिव, अपील व सुरक्षा, गृह विभाग यांचे स्वीय सहायक, मंत्रालय, मुंबई-३२
४. प्रधान सचिव, विधि व न्याय विभाग यांचे स्वीय सहायक, मंत्रालय, मुंबई-३२
५. पोलिस महासंचालक, कारागृह, मुंबई
६. अपर पोलिस महासंचालक व महानिरीक्षक, कारागृह व सुधारसेवा, महाराष्ट्र राज्य, पुणे
७. निवड संग्रह, कार्यासन तुरुंग-३.

Guidelines/Procedure for granting Special Remission to prisoners on the occasion of 150th Birth anniversary of Mahatma Gandhi

The Government of India has decided to celebrate the 150th Birth Anniversary of Mahatma Gandhi from October 2, 2018 to October 2, 2020. As part of the commemoration of the 150th Birth Anniversary of Mahatma Gandhi, the Government of India has decided to grant special remission to the specific categories of convicted prisoners who have consistently maintained good conduct during their term in prisons. Special remission and release of these prisoners would be a homage to the Father of Nation and the humanitarian values Mahatma Gandhi stood for.

2. The prisoners shall be considered for special remission and released in three Phases. In Phase-I, the prisoners shall be released on 2nd October, 2018, in Phase-II the prisoners shall be released on 6th April, 2019 and in Phase-III, the prisoners shall be released on 2nd October, 2019. The cutoff date for consideration of the cases of eligible prisoners for Phase-I would be 1st October 2018, for Phase-II, 5th April, 2019 and for Phase-III, 1st October, 2019.

3. The following categories of prisoners who have consistently maintained overall good conduct, will be eligible for special remission:

- (a) Women convicts of 55 years of age and above, who have completed 50% of their actual sentence period (i.e. without counting the period of general remission earned by them).
- (b) Transgender convicts of 55 years of age and above, who have completed 50% of their actual sentence period (i.e. without counting the period of general remission earned by them).
- (c) Male convicts of 60 years of age and above, who have completed 50% of their actual sentence period (i.e. without counting the period of general remission earned by them).
- (d) Physically challenged/disabled convicts with 70% disability and more (duly certified by a Medical Board) who have completed 50% of their actual sentence period (i.e. without counting the general period of remission earned by them).
- (e) Terminally ill convicts (duly certified by a Medical Board).
- (f) Convicted prisoners who have completed two-third (66%) of their actual sentence period (i.e. without counting the period of general remission earned by them).

4. Special remission is not to be granted to the following categories of convicts:

- (i) Persons convicted for an offence for which the sentence is sentence of death or where death sentence has been commuted to life imprisonment.
- (ii) Persons convicted for an offence for which punishment of death has been specified as one of the punishments.
- (iii) Persons convicted for an offence for which punishment of life imprisonment has been specified as one of the punishments.
- (iv) Cases of convicts involved in terrorist activities or persons convicted under Terrorist and Disruptive Activities (Prevention) Act, 1985 (TADA), The Prevention of Terrorism Act, 2002 (POTA), Unlawful Activities (Prevention) Act, 1967 (UAPA), The Explosive Substances Act, 1908, The National Security Act, 1982 (NSA) Official Secrets Act, 1923, Anti-Hijacking Act, 2016.
- (v) Cases of prisoners convicted for Dowry death.

- (vi) Cases of prisoners convicted for counterfeiting currency notes (FICN) - cases under section 489 (A to E) of Indian Penal Code;
- (vii) Cases of prisoners convicted for the offence of Rape, human trafficking and the Protection of Children from Sexual Offences Act, 2012 (POCSO), Immoral Traffic (Prevention) Act, 1956;
- (viii) Cases of prisoners convicted under Prevention of Money Laundering Act, 2002, Foreign Exchange Management Act, 1999 (FEMA), Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015;
- (ix) Cases of prisoners convicted under the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS);
- (x) Cases of prisoners convicted under the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities), Act, 2005;
- (xi) Cases of prisoners convicted under the Prevention of Corruption Act, 1988;
- (xii) Cases of prisoners convicted for offences against the State (Chapter-VI of IPC); and
- (xiii) Prisoners convicted under any other law which the State Government/ UT Administrations consider appropriate to exclude.

5. 'Prisons' and 'persons detained therein' are 'State' subjects. The State Governments/UTs are, therefore, advised to constitute a State Level Committee, with the following composition, to examine cases of eligible prisoners satisfying/fulfilling conditions mentioned above:

- i) Additional Chief Secretary/Principal Secretary/Secretary In-charge of Home Department of the State/UT - Chairman
- ii) Additional Chief Secretary/Principal Secretary/Secretary In-charge of the Department of Law and Justice - Member
- iii) DG/IG Prisons of State/UT - Member Secretary

6. The Committee shall consider and scrutinize all cases keeping in view the prescribed conditions and make its recommendations to State Government as per timelines indicated in Annexure-II. The State Government will place the recommendation of the Committee before the Governor for consideration and approval in exercise of his power under Article 161 of the Constitution of India and in case of Jammu and Kashmir under Section 34 of its Constitution. Cases where approval of the Central Government is required as per law may be sent to the Ministry of Home Affairs. The foreign national convicts shall be released with the concurrence of the Ministry of External Affairs.

7. The attached chart indicating the timelines for processing the above cases shall be observed by the States/UTs.

Note: The age of convicts be calculated according to matriculation certificate or birth certificate. In the absence of both it may be calculated according to the judgement of the trial Court and the Superintendent Jail to ensure the correctness of age.

Annexure-II**Timelines**

(Cutoff date for Phase-I - 1st October, 2018, for Phase-II - 6th April, 2019 and for Phase-III - 1st October, 2019)

Sl.No.	Action to be Taken	Phase - I	Phase- II	Phase- III
1	Prison authorities to identify and submit details of prisoners covered under the guidelines to the State Government	15 th August 2018	6 th January, 2019	10 th March 2019
2	(i) States/UTs would process the cases and submit for consideration of the Committee to be constituted by States/ UTs (ii) States/UTs to forward the cases where specific approval/ concurrence of Central Government is required.	30 th August, 2018	26 th January 2019	30 th June, 2019
3	The Committee to hold meeting to consider cases and complete its recommendations	10 th September 2018	6 th February 2019	30 th July, 2019
4	Submission of recommendations of the Committee for approval of competent authority/Governor.	20 th September 2018	1 March, 2019	15 th August, 2019
5	Completion of approval process and release formalities/process	25 th September 2018	11 th March, 2019	25 th September, 2019
6	Release of prisoners	2 nd October, 2018	6 th April, 2019	2 nd October 2019